

REMARKS

Claims 1-24 are pending in the application. By this amendment, new claim 24 is added. Claims 1-12, 14 and 17-23 are allowed. Claims 13 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Matama (U.S. Patent No. 5,739,922; hereinafter "Matama"). Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant submits the following in traversal of the claim rejections.

Applicant's invention relates to an apparatus and a method for image processing. In an embodiment, an image having a strong possibility of failing in computing a proper amount of image correction in an image correcting amount computing unit is subjected to an operator's judgment.

Rejection of Claims 13 and 15 under 35 U.S.C. § 103(a) over Matama

Matama relates to an emphasis and restriction image processing method or apparatus for reducing film graininess. *See* Abstract. Matama includes the sharpness process menus 11A displayed on the CRT display device 11. Col. 10, lines 53-55. A user could select a desired menu from the sharpness processing menus 11A. Col. 10, lines 55-56. The degrees of the emphasis and the restriction in the image processing are dependent on image reproducing conditions in the reproduction of a visible image from the processed image signal. Col. 5, lines 12-18. The term "image reproducing conditions" means the conditions which affect the characteristics of the reproduced visible image, such as the kind of the recording medium on which the given image was recorded, the size of the print on which the visible image is

reproduced, or a correction amount which is specified by an operator from a keyboard. Col. 5, lines 19-26.

Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness. Claim 13 recites, *inter alia*,

an image correcting amount computing unit for computing a proper amount of image correction based on image data of an image of an original delivered from an image input unit by which the image data of the image of the original was input by photoelectrically reading the image of the original, or reading out from a digital camera or an image data recording medium, or downloading via communication lines;

...

a verifying unit in which an operator performs an input operation for verifying an image belonging to a group of images in which correction is performed in different directions for said proper amount of image correction automatically computed by said image correcting amount computing unit;

With regard to an image correcting amount computing unit, the Examiner correctly concedes that Matama does not teach a computing unit for computing a proper amount of image correction. However, the Examiner contends that signal S1 is for computing gain M and gain H, i.e., for calculating the degrees of the emphasis and the restriction which the Examiner considers as corresponding to the claimed proper amount of image correction. The Examiner further states that a correction amount can be specified or calculated based on the signal S1 or selected

conditions input from the operator. Detailed Action, page 3, lines 10-14. With regard to a verifying unit, the Examiner cites the sharpness processing menus 11A as teaching this element.

Applicant respectfully submits that the Examiner's characterizations of Matama are incorrect for the following reasons.

Matama does not teach, suggest, or provide motivation for the claimed image correcting amount computing unit. Matama teaches that the user can input a correction amount in order to perform the desired image processing, and that menus 11A are for selecting different processings which are considered to be image correction processings, such as graininess restriction processing and sharpness emphasis processing. Accordingly, the Examiner appears to take the position that "[i]t would have been obvious . . . to consider" the automatic set-up operation unit 10 in Matama as computing a proper amount of image correction. That is, the Examiner asserts that the image correction amount is computed by an operator's input. Claims 13 and 15, however, recites *an image correcting amount computing unit for computing a proper amount of image correction based on image data*, and also recites a verifying unit in which an operator performs an input operation for verifying *an image belonging to a group of images in which correction is performed in different directions for said proper amount of image correction automatically computed by said image correcting amount computing unit*. In other words, the proper amount of image correction is computed prior to the input operation for verification in claims 13 and 15 and this is entirely different in Matama, where the image correction is not computed prior to any sort of an input operation for verification. Thus, Matama cannot possibly

teach, suggest or provide motivation for the image correcting amount computing unit and the verifying unit as recited in claims 13 and 15.

Applicant submits that an embodiment of the Applicant's invention relates to images in which correction is performed in different directions from the computed image correction amount, such as a failure image. Because image correction of such an image may not be possible in the correct direction with a proper amount of image correction, an image belonging to a group of images in which correction is performed in different directions is selected in the present invention.

Moreover, Matama does not disclose a verifying unit as recited in claim 13 for the following additional reasons. The Examiner only cites the sharpness processing menus 11A as corresponding to the claimed verifying unit. The menu in Matama, however, does not even remotely suggest a verifying unit. The sharpness processing menus 11A allow a user to choose a desirable operation. On the other hand, claim 13 recites *a verifying unit in which an operator performs an input operation for verifying an image* belonging to a group of images in which correction is performed in different directions *for said proper amount of image correction automatically computed by said image correcting amount computing unit*. Therefore, the sharpness processing menus 11A does not disclose a verifying unit, as recited in claim 13.

Because claim 15 includes features similar to that for claim 13, claim 15 is patentable for at least the reasons similar to those set forth above.

Claim 16, which depends from claim 15, is patentable for at least the reasons submitted for claim 15.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln No. 09/624,161

Atty Dkt No. Q58742

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


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